



MAR 10 2011

F-5530

## MEMORANDUM TO THE MINISTER

### PRIVATE SPONSORSHIP OF REFUGEES PROGRAM INVENTORY MANAGEMENT STRATEGY

#### FOR APPROVAL

#### SUMMARY

- Pursuant to your December 16, 2010, meeting with departmental officials, the Department has developed a three-part strategy to manage the volume of sponsorship applications submitted by Sponsorship Agreement Holders (SAH), Groups of Five (G5) and Community Sponsors.
- An intake management strategy is necessary to reduce inventories and processing times at overburdened missions, and encourage the sponsorship of refugees from priority populations.
- We recommend you approve by signing below:
  - the opening of the SAH principal agreement to allow the Department to include expiry dates for all SAHs as well as the wording for a global cap on submissions, to be determined by you;
  - that consultations be held with elected SAH representatives on the global cap and the role of the SAH Association in administering it;
  - that the Department pursue changes to the *Immigration and Refugee Protection Regulations* to restrict G5 and Community Sponsors to sponsoring refugees who have been recognized by the UNHCR.

#### BACKGROUND:

- The Department has worked with you over the course of the past two years to review the Private Sponsorship of Refugees (PSR) program, and has considered a variety of reforms. The Department also worked with your office on the letter you sent to all Sponsorship Agreement Holders (SAHs) in February, 2011 (see Annex A). The Department concurs with the contents of this letter.
- Large advances in communication and governance of the PSR program have been made in the last year. The SAHs are well on their way to establishing an association through which to better engage with each other and the Department. The Department has further met with SAH representatives, with the view to implement the Minister's vision of having SAHs apportion the global submission cap set by the Minister. The Department has also undertaken other initiatives to improve communication within the sponsorship community and between the community and CIC, as per the recommendations included in the Romanuk report. To date,

Canada

the Department has funded and will continue to fund an annual SAH-only meeting; has increased and will continue to increase the number of face-to-face NGO-government committee meetings; has funded a SAH secretariat and will continue to fund the Secretariat until the SAH Association is operational; is funding the SAH Association Task Group to develop an Association charter and consult with the broader community on the roles and responsibilities of the Association; will support the Association financially on an ongoing basis for activities that could include, but are not limited to administrative support, training and consulting; and has extended the current Refugee Sponsorship Training Program (RSTP) contract. Further to the attached letter (Annex A), the SAH Association in the future will have the opportunity to submit proposals for the contribution agreement for the Refugee Sponsorship Training Program (RSTP).

- The agreements most SAHs have with the Minister lack expiry dates, and CIC does not have formal agreements with G5s, who submit one third of all sponsorship applications, making it impossible to predict or manage the volume and location of applications submitted. Unlimited application intake from sponsors has led to large PSR backlogs in Nairobi, Islamabad, Cairo and Pretoria. PSR applications to these missions far outstrip annual landing targets, leading to long wait times, reduced operational efficiency, and vulnerability to fraud.
- Departmental officials recently met with the three largest SAHs to discuss reductions in the number of sponsorships submitted to the Nairobi visa office. The three SAHs committed to reducing their submissions to Nairobi by 85% for the next two years. Other SAHs agreed to limit their submissions to Nairobi to make the program sustainable at this key mission. SAHs recognized that while a voluntary reduction is a good start, a broader strategy is needed to reduce backlogs in other missions and to prevent uncontrolled inventory growth in the future.
- The G5 program cannot be similarly managed. Family members who would normally approach a SAH could instead form G5s. This would negate any progress on inventory reduction gained through cooperation with the SAHs, and would reduce the likelihood of SAHs cooperating on similar initiatives in the future.
- The Department fully supports the principle that the private sponsorship program is and shall remain private and will continue to be guided by this principle.

#### **CONSIDERATIONS:**

- The Department proposes the following three-part strategy to manage the global PSR inventory and reduce processing backlogs:
  - 1. Open the SAH principal agreement to insert expiry dates for all SAHs.**
    - All SAH agreements would be reviewed every five years to ensure that SAHs have the necessary financial and volunteer supports needed to fulfill their sponsorship obligations. Newer SAHs may continue to be subject to terms of less than 5 years.
    - All current agreements would end as of December 31, 2011. On January 1, 2012, a new principal agreement will come into force that requires all individual agreements to include an expiry date of no more than five years from the date of signature.

**2. Impose a global cap on the total number of submissions the Department will accept annually from SAHs.**

- The global cap and the mission sub-caps will be reviewed annually and in consultation with the SAH Association where CIC and sponsors can exchange information on respective considerations and interests. The final recommendations to the Minister on the cap will be based on a number of factors, including the annual levels plan, inventory size, Ministerial priorities and sponsor priorities.
- The SAH association will distribute the available sponsorship spaces amongst themselves and will need to develop a fair and transparent system to accomplish this. SAHs have already begun this work and Dr. Romanuk will facilitate the SAH annual meeting in May 2011, where this issue will be discussed with the whole community.
- The Department will work closely with the SAH association to promote priority populations and to ensure the Association has the necessary information to make decisions with respect to the apportioning of the collective cap so that the distribution of sponsorship spaces is aligned with geographic targets. Consultations with the Association will also inform the Department's mission-specific target-setting exercise.
- Quarterly meetings between the Department and the elected SAH representatives will be an integral part of effective consultations regarding the global cap and the apportioning of the cap.
- As confirmed in the attached letter (Annex A), provided it is in the interest of the PSR program as a whole, the Department is prepared to support ongoing training/consultative services, with a view to further strengthening the working relationship between SAHs internally or between SAHs and CIC during this transition process.
- The Global Case Management System will allow monitoring of the global cap by local offices.

**3. Implement a regulatory change to the G5 and Community Sponsor streams limiting submissions to persons recognized as refugees by the UNHCR or by a recognized referral agency (authorized under R143).** The G5 program is a unique program that allows ordinary Canadians an opportunity to help refugees find protection in Canada and provide personal settlement support once they arrive in Canada. It is, however, vulnerable to abuse. The regulatory change will help reduce the number of unfounded refugee claims, while preventing needless growth of the backlog at the same time. The regulatory change could be completed for January 1, 2012, the same time as new SAH agreements would be coming into effect.

It is the intent of this recommendation that the Department use the UNHCR's definition of "recognized". The UNHCR recognizes persons as convention refugees in a variety of ways. Refugees may (a) undergo a refugee status determination (RSD) process carried out by the UNHCR, (b) undergo a RSD carried out by the country of asylum or (c) belong to a population that has been granted *prima facie* recognition. The UNHCR would consider all of these persons to be recognized refugees.

- G5 sponsors referring applicants for resettlement will be required to demonstrate the status of those they are sponsoring. Refugees recognized by the UNHCR or a third country will have documentation to that effect. Refugees in *prima facie* situations usually have such documentation, but where this is not the case, the Department will provide instructions to officers as required indicating that no documentation confirming the *prima facie* recognition is required when the group has been designated as such by the UNHCR and the Minister accepts this designation.
- *For clarity*, persons who have registered with the UNHCR but are not considered *prima facie* or have not yet undergone a status determination process as outlined above are considered asylum seekers.
- Referred refugees are recognized refugees who have been referred for resettlement to a third country. The UNHCR bases its referral decisions on a number of factors, including the capacity of resettlement countries, absence of durable solutions and the relative need of the refugee (the UNHCR has eight categories of refugees that are prioritized for resettlement). In 2009, the UNHCR referred over 124,000 persons for resettlement, of which 84,000 were resettled to a third country. One of the grounds for referring a refugee for resettlement is to reunite a refugee with a family member who has already received protection in a resettlement country. This is standard protection policy internationally. It is consistent with the policies in IRPA and is welcomed where possible, because of more positive settlement outcomes for all family members.
- SAHs are not required to demonstrate the status of the person they are referring. In situations where states are unwilling to allow the UNHCR to operate and conduct refugee status determinations in their territory, the G5 or community sponsor in Canada could approach a SAH to have the SAH submit the sponsorship. The G5 could provide the financial and settlement support through agreement with the SAH. It would be up to each SAH to decide whether or not they wish to sponsor a refugee in these circumstances. Should some SAHs accept inappropriate money or consideration in return for assistance to a G5, the Department would investigate and seek an appropriate remedy through any number of tools, which could include revoking the particular sponsorship, suspending the SAH agreement in question, adding additional conditions to the particular SAH agreement, or cancelling the SAH agreement in question.
- Where the UNHCR cannot operate and where SAHs do not wish to sponsor, the Minister and the Department have a number of tools to protect refugees using the PSR program:
  - The Minister may use A25.2 (public policy) to waive the requirement for a group of applicants to have proof of an RSD. The volume of applications would be managed by appropriately time-limiting the public policy.
  - The Minister, of his own initiative, may instruct the Department to issue a Temporary Resident Permit or to authorize the waiving of the requirement to have UNHCR recognition, using his authority under A25.1.
  - Immigration Program Managers could also, of their own initiative, exercise their delegated authorities under A25.1 to the same effect.

- This regulatory change is expected to reduce wait times as more reasonable volumes of applications will be submitted to CIC. It is anticipated that this regulatory change will reduce G5 submissions by 70%. Landings will not be affected by a reduction in G5 submissions, since SAHs alone submit more than enough applications to meet the targets.
  - In addition to accelerating processing, the requirement that all applicants will have a positive RSD by the UNHCR, a member state or have *prima facie* recognition, will also curtail abuse of the G5 program, since unfounded claims will not have UNHCR recognition. This will make processing more efficient as resources will not be used as often on claims for protection that are not eligible.
  - For clarity, referral agencies that have signed a memorandum of understanding with the Minister under R143 are, like SAHs, not restricted to referring Convention refugees. As such, these organizations would be able to refer applicants who could be sponsored by G5s. The scope of who may be referred by a referral agency would be defined in the memorandum of understanding signed by the Minister.
  - For further clarity, the regulatory change will **not** prevent G5s from sponsoring Visa Officer Referred cases. Any G5 would be able to submit a Request for Matching (essentially, a sponsorship with no refugee identified) and would be able to work with the Department to be matched with an appropriate refugee family.
- Inventory management efforts in the PSR program would complement broader departmental efforts to manage inventories across all business lines. Implementation of the proposed inventory management strategy and the additional 2,000 PSR spaces announced with the *Refugee Reform* will assist in reducing existing backlogs. Once the backlog of PSR claims has been worked through, and a state of relative parity between submissions and PSR levels has been reached, it is expected that it will be possible to process PSR applications within approximately one year from the time CIC receives an application.

#### **CONSULTATIONS:**

- Building on the momentum of the recent meeting in Winnipeg between Departmental staff and SAH representatives, CIC will work closely with elected SAH representatives and the SAH association, once it is formed, to implement the proposed strategy.
- To reduce pressure on certain missions, CIC will consult with the Province of Quebec to determine if the province could undertake similar measures to manage the number of sponsorship applications submitted by Quebec sponsors.
- Consultations with participants in the G5 and Community Sponsor streams are not possible as they are too diffuse. SAHs, in 2008, opted not to comment on changes to the G5 and Community Sponsor streams at a national PSR conference.

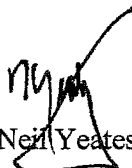
#### **COMMUNICATION IMPLICATIONS:**

- G5s and Community Sponsors are not an easily identifiable community and criticism regarding changes to the G5 is expected to be scattered.

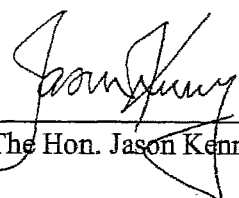
- CIC will develop a communications strategy focusing on our ongoing commitment to the protection of refugees abroad, including the increase in PSR targets announced as part of the *Balanced Refugee Reform Act*. The strategy will outline how CIC is working with the SAH community to develop a fair and sustainable sponsorship program that will allow more refugees to find protection through resettlement to Canada, and allow more organizations to become involved in refugee sponsorship.
- Some criticism is expected from the Canadian Council for Refugees, although this will be mitigated by the support given to the SAHs to manage this change and the extensive consultations with the SAHs by the Department and the Minister.

**RECOMMENDATIONS:**

- We recommend you approve by signing below:
  - the opening of the SAH principal agreement to allow the Department to include expiry dates for all SAHs as well as the wording for a global cap on submissions, to be determined by you;
  - that consultations be held with elected SAH representatives on the global cap and the role of the SAH Association in administering it;
  - that the Department pursue changes to the *Immigration and Refugee Protection Regulations* to restrict G5 and Community Sponsors to sponsoring refugees who have been recognized by the UNHCR.

  
Neil Yeates

I concur

  
The Hon. Jason Kenney, PC, MP

Annex: A - Letter from Minister Kenney to all SAHs

## ANNEX A – Letter from Minister Kenney to all SAHs

Dear «Salutation»:

As Minister of Citizenship, Immigration and Multiculturalism, I am proud of the success of the Private Sponsorship of Refugees (PSR) program, and of the contribution of your organization to this great program. The program demonstrates Canadians' compassion for those who have suffered displacement and persecution. Sponsorship Agreement Holders (SAHs) deserve the heartfelt support and gratitude of all Canadians. I was particularly pleased to be able to express these sentiments on behalf of the Government of Canada during the events held last year to commemorate the 30<sup>th</sup> Anniversary of the Private Sponsorship of Refugees Program.

### **PROGRESS TO DATE**

In 2010, I announced that the Government of Canada will resettle 2,000 additional privately-sponsored refugees each year. This increase will be fully implemented by 2013, resulting in the protection of an additional 2,000 persons over and above those protected through the government-assisted refugees program and our domestic asylum system.

When I first met with SAH representatives almost two years ago, they were candid in expressing to me their concerns about the program. My officials expressed remarkably similar concerns. We therefore retained an organizational consultant, Dr. Fred Romanuk, whose work with you and with Citizenship and Immigration Canada (CIC) officials culminated in a December 2009 report entitled "The Sponsorship Agreement Holder Conference 2009: Creating Our Future".

That report made a number of significant recommendations, many of which we have adopted and agreed to fund. These include the restoration of the annual national SAH conference, quarterly face-to-face meetings between my officials and SAH representatives and support for your decision to establish a SAH Association. In addition, it also includes funding for a SAH Secretariat (well underway) to support the work of the SAH representatives during this time of transition. I see the establishment of the SAH Association as an opportunity for the Sponsorship community to assume a greater role in shaping and building the program. As such, we will

provide funding for the administrative/logistical costs associated with developing and maintaining the Association, recognizing the vital role it will play in making the PSR program more efficient and effective. Once the SAH Association is operational, we will be prepared to consider supporting ongoing training/consultative services, with a view to further strengthening the working relationships between SAHs internally, or between the SAHs and CIC, provided that it is in the overall interests of the PSR program as a whole. Moreover, the SAH Association could be eligible in future to respond to calls for proposals, including calls for the Refugee Sponsorship Training Program.

### **ONGOING CHALLENGES: LONG WAIT TIMES, LIMITS, EXPIRY DATES AND THE PRINCIPAL AGREEMENT**

The ongoing viability of the PSR program continues to face serious challenges. Large backlogs have developed as we continue to face spikes in applications submitted that are not in line with the number of resettlement places available. Therefore we have been grappling with a dilemma: how can we address, on the one hand, the need to prevent unmanageable backlogs in particular missions which do not have the operational capacity to process them in a timely manner, while on the other hand, respecting your role as private sponsors with the right to select bona fide refugees for sponsorship and resettlement in accordance with your own criteria and discretion?

It seems to me a matter of common sense that the number of applications submitted annually should be related to the number of permanent resident visas allocated to the PSR program in the levels plan I submit annually to Parliament. It is, therefore, my intention to implement a collective cap on annual submissions by SAHs.

Each year, I will establish the global maximum number of PSR applications that may be submitted by the SAH community in consultation with the SAH Association (and until it is operational, with your NGO-Government committee representatives) and my officials. All SAHs with numerical limits in their current agreements will have them removed. SAHs who have enjoyed unlimited agreements will now be constrained in that all SAHs will be restricted in the aggregate, to the annual global cap. Over time, there should develop a state of relative parity between the number of PSR applications which may be submitted in a given year, and the number of landings indicated in the Annual Levels Plan. In the short term, however, the number of applications must be set lower than the target for landings, to allow us to work through the current backlog.

I sincerely hope that you will agree that your Association should play an instrumental role in the process of apportioning the global cap. I believe each SAH in the community should have an equal voice in how that decision-making process would unfold. To that end, I am prepared to support the Association and its membership to undertake this expanded role by providing external expertise, training and/or consultative services as needed. Dr. Fred Romanuk will be available to work with your elected officials before your national meeting in May and will also be able to facilitate the meeting itself to help you work through this process. It is my hope that, rather than have individual caps imposed upon each SAH by CIC, that you will manage this yourselves, through the Association.

While it is my preference that you handle this process internally, if at the end of the day, the community does not agree that the Association should take on this enhanced role for the majority



of SAHs, the department, in consultation with your elected representatives, will be required to set individual limits for SAHs based on the global cap. If a small minority of SAHs elected not to join the Association, it may still be possible to proceed with the Association apportioning the cap for its members, with CIC setting limits for those SAHs that wished to remain outside the Association.

Moreover, it no longer seems to me appropriate that some SAHs should have agreements with the Government of Canada that are subject to expiry dates, while others do not. Accordingly, I have instructed my officials to open and review the current SAH principal agreement. By way of this letter, I am providing you with the ninety days notice required by the current agreement of my intention to open the agreement with the goal of inserting an annual collective cap on submissions and expiry dates.

As a result of this decision, all current agreements that have no expiry date will come to an end on December 31, 2011. Over the course of the coming year, we will work together to put into place new agreements, valid for a term of five years, for the current holders of agreements without expiry dates (newer SAHs may continue to be subject to terms of less than five years).

Lastly, I will take steps to manage application intake in the Groups of Five stream, to ensure that the results of sound management by SAHs of a collective cap is not inadvertently undone by the uncoordinated actions of other sponsors. Further details in this regard will be made available to the public in due course.

Your elected representatives were informed of the contents of this letter at the NGO-Government Committee meeting on January 19, 2011. They have advised me that these measures will cause considerable concern within the community. I am determined, as best I can, to support and strengthen this program. At the same time, as the Minister responsible for the entire immigration program for this country, I am required to find ways to manage growing inventories and wait times. I have consulted extensively with you and others for almost two years regarding all available options, and I have determined that these changes are necessary.

I trust that, upon reflection, you will agree that a different kind of stewardship is needed if the PSR program is to grow even stronger in the future. I trust also that you will work collegially with your elected representatives and departmental officials to ensure a seamless transition to new agreements in 2012.

I remain humbled by the dedication of the SAH community, and wish again to thank you for your efforts on behalf of refugees. I look forward to continuing to work with you to strengthen the PSR program over the course of 2011.

Yours sincerely,

The Honourable Jason Kenney, PC, MP  
Minister of Citizenship, Immigration and Multiculturalism